

Members

Sen. Marvin Riegsecker, Chairperson
Sen. Rose Antich-Carr
Rep. Troy Woodruff
Rep. Sheila Klinker
Sylvia Marie Brantley
Christopher Durcholz
Daniel R. Harshman
Suda Hopkins
Sally Lowery
Scott MacGregor
Betty Williams
Darin Yoder



COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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MEETING MINUTES¹

Meeting Date: September 14, 2005
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Senate Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Marvin Riegsecker, Chairperson; Sen. Rose Antich-Carr;
Rep. Troy Woodruff; Rep. Sheila Klinker; Sylvia Marie Brantley;
Christopher Durcholz; Daniel R. Harshman; Sally Lowery; Betty
Williams; Darin Yoder.

Members Absent: Suda Hopkins; Scott MacGregor.

I. Call to Order

Senator Riegsecker called the meeting to order at 10:20 am.

II. Presentation by Ms. Betty Williams, Ms. Dorcas Nims, and Ms. Melody Conaway; Self-Advocates of Indiana

Misses Williams, Nims, and Conaway presented information to the Commission pertaining to the Self-Advocates of Indiana group. The group indicated that the concept of Self-Advocates began in Sweden and is now 15 years old. Self-Advocates of Indiana consists of local chapters which hold statewide meetings. The purpose of the group is to educate MR/DD persons about their rights. The group recently created a new mission statement and is excited about partnerships it has created with larger organizations, such as Arts of

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Indiana. One such partnership has allowed the group to educate youth about MR/DD persons through speaking in high school settings. Issues and concerns that the group voiced were those surrounding financial cuts, transportation, and employment.

III. Presentation by Mr. Peter Bisbecos, Director, Division of Disability and Rehabilitative Services, 615 Letter Update

Mr. Bisbecos provided the Commission with a status report for the 615 letter (Exhibit 1). The status report included an update pertaining to adoption of rules prior to July 1, 2006, regarding the following:

- defining the criteria and process used by the Office of Medicaid Policy and Planning (OMPP) to determine if a DD individual qualifies for the level of care provided by an intermediate care facility for the mentally retarded;
- defining the criteria and process used by OMPP to determine the number of hours of care that a DD individual needs in a supervised group living setting;
- amending the requirements under 405 IAC to require that the supported living program and reimbursement system contain specific components;
- amending 460 IAC 6; and
- adding and amending rules under 405 IAC to govern fiscal audits.

IV. Presentation by Mr. Peter Bisbecos, Director, Division of Disability and Rehabilitative Services, Criminal Justice Issues

Mr. Bisbecos provided the Commission with an update of data available to the Division pertaining to MR/DD individuals in the criminal justice system (Exhibit 2). Mr. Bisbecos indicated, however, that the Division does not feel that the data is representative of the actual MR/DD criminal justice population. Data provided showed that since March of 2003, 69 MR/DD persons were identified within the criminal justice system. Mr. Bisbecos commented on primary conclusions that can be drawn from the data provided. First, additional uniform data is needed. Second, the numbers of people who have had contact with the criminal justice system are smaller than one might assume. Third, the majority of persons have episodic contact that can be successfully addressed.

Mr. Bisbecos also provided the Commission with a chart (Exhibit 3) which identified four periods of time in which law enforcement and MR/DD persons may interact: (1) contact to release or arrest; (2) arrest to charging; (3) charging to verdict; and (4) post conviction. The chart portrays how MR/DD can play a role in decisions made and treatment obtained during the various time periods.

The chart suggests three solutions: officer training, better data collection, and the creation of a mechanism for assessing the need for treatment that does not impact on guilt or innocence.

V. Presentation by Ms. Lora Miller, Director, First Steps, Family and Social Services Administration

Ms. Miller reported that she is overseeing the restructuring of the First Steps program. The program is currently looking for a permanent home within the Family and Social Services Administration (FSSA). The program may be moved from the Division of Family Resources (DFR) to the Division of Disabilities and Rehabilitative Services (DDRS). Ms. Miller indicated that this change would take statutory language change.

Ms. Miller also discussed the First Steps Stakeholders Group. The group will complete its

final meeting on September 19, 2005. Following that, she anticipated having additional program information which will address changes proposed by the stakeholders group. Ms. Miller agreed to provide the Commission with an update at its next meeting regarding the stakeholders final report.

Ms. Miller presented information on the funding of the program. Total funding for the program is approximately \$67 M annually. Of this, approximately \$29 M are funded through federal money. This money is, in general, limited to use for infrastructure and staff. The remaining program money is funded through state dollars, \$6.2 M of which are appropriated in the budget for the program. The remaining dollars are funded through the state General Fund.

Ms. Miller discussed one issue that the program is encountering. Approximately 40% of clients allow the program to access and bill or attempt to bill private insurance companies. The state is unable to bill Medicaid for the remaining 60% of clients because Medicaid rules do not allow billing unless all other possible providers have been billed first. The state loses funding for the program as a result. The program is unable to draw down on all Medicaid dollars possible and does not receive all money that could be billed to a private insurance company. The program is looking to propose legislation this year that would close that loop hole.

VI. Other Business

Senator Riegsecker discussed the possibility of the Commission's holding two more meetings during the interim session.

VII. Adjournment

The meeting was adjourned at 1:00 pm.